

Response to the Final Office Action dated July 13, 2005

Serial No. 10/788,624 filed on February 27, 2004

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REMARKS

Claims 1-7 are pending in the application, and claims 8-38 are withdrawn from consideration. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing remarks.

Rejections Based On Alleged Prior Art

The Examiner rejected claims 1-7 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 523,508 to Bauer et al. (herein the Bauer et al. patent) in view of U.S. Patent No. 1,096,478 to Weller (herein the Weller patent), U.S. Patent No. 1,168,594 to Berendes (herein the Berendes patent), and U.S. Patent No. 1,391,593 to Sweeting (herein the Sweeting patent). Applicant respectfully traverses the rejection for the following reasons.

Claim 1 recites a disk blade scraper for a tillage implement having a frame, a horizontal shaft suspended from the frame, a plurality of rotating disk blades arranged in laterally spaced relationship on the shaft, a hub spool surrounding the shaft between at least a pair of adjacent disk blades wherein a first end of the hub spool contacts one of the pair of adjacent disk blades thereby creating a transition joint between the first end of the hub spool and a surface of the one of the pair of adjacent disk blades. The scraper comprises a bracket connected to the frame; and a rotating disk mounted to the bracket, the rotating disk having an axis of rotation and a circumferential edge parallel to the axis of rotation. The bracket is connected to the frame and the rotating disk is mounted to a lower end of the bracket such that the circumferential edge of the rotating

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disk is adjacent the transition joint and such that the lower end of the bracket is between the rotating disk and the one of the pair of adjacent disk blades.

The Bauer et al. patent *does not disclose a circumferential edge parallel to the axis of rotation of the rotating disk*. Rather, The Andersson patent discloses a supplemental disk 5 having a pointed edge (See Fig. 2). The recited circumferential edge provides enhanced removal of debris at the recited transition joint of the hub spool at the disk blade. Thus, the Bauer et al. patent fails to teach each and every limitation of the claimed invention. A review of the remaining cited references fails to correct this deficiency. Each of the remaining cited references disclose a curved disk having an outer peripheral edge that is not parallel of the axis of rotation of the respective disk. Therefore, the cited references fail to teach each and every limitation of the claimed invention. Accordingly, reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-7 depend either directly or indirectly from claim 1 and are believed allowable for the same reasons that claim 1 is believed allowable. Claims 2-7 also include patentable subject matter in addition to claim 1. For example, none of the cited references disclose a circumferential edge of the rotating disk that contacts the transition joint between the hub spool and the disk blade, as recited in claim 2. Applicant was unable to locate the alleged citation as indicated by the Examiner in regard to this claim limitation. Rather, the Bauer et al. patent generally discloses that “the supplementary disks may be adjusted to the main disks . . .” (lines 61-64). In another example, none of the cited references disclose the surface of the one of the pair of adjacent disk blades is

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concave, *an annular depression is formed in a region of the surface surrounding the transition joint, and the circumferential edge of the rotating disk is located within the depression.* None of the cited references disclose an annular depression surrounding the alleged transition joint, yet alone the recited rotating disk located with the annular depression.

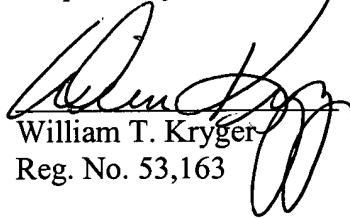
CONCLUSION

It is submitted that claims 1-7 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

No fee is believed due with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



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